

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

|                                      |   |                            |
|--------------------------------------|---|----------------------------|
| JENNIFER L. MILLER,                  | ) |                            |
|                                      | ) |                            |
| Plaintiff,                           | ) |                            |
|                                      | ) |                            |
| v.                                   | ) |                            |
|                                      | ) |                            |
| MICHAEL J. ANDERSON, <i>et al.</i> , | ) | Judge John R. Adams        |
|                                      | ) |                            |
| Defendants,                          | ) | Case No. 5:20-cv-01743-JRA |
|                                      | ) |                            |
| and                                  | ) |                            |
|                                      | ) |                            |
| FIRSTENERGY CORP.,                   | ) |                            |
|                                      | ) |                            |
| Nominal Defendant.                   | ) |                            |

**THE DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

The Defendants, through their undersigned counsel, hereby move this Court to dismiss the Verified Shareholder Derivative Complaint (the "Complaint").<sup>1</sup>

As set forth in the accompanying memorandum of law, the Defendants respectfully request that the Court dismiss the Complaint pursuant to Federal Rule of Civil Procedure 23.1 because Plaintiff lacks standing, due to her unexcused failure to submit a pre-suit demand to the board of directors of FirstEnergy Corp.

This motion is also supported by the declaration of Geoffrey J. Ritts, one of the attorneys for certain of the individual defendants and nominal defendant FirstEnergy Corp.

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<sup>1</sup> The "Defendants" are individual defendants Michael J. Anderson, Steven J. Demetriou, Julia L. Johnson, Charles E. Jones, Donald T. Misheff, Thomas N. Mitchell, James F. O'Neill III, Christopher D. Pappas, Sandra Pianalto, Luis A. Reyes, Leslie M. Turner, Steven E. Strah, Robert Reffner, Michael J. Dowling, Ebony Yeboah-Amankwah and nominal defendant FirstEnergy Corp.

Dated: October 9, 2020

Respectfully submitted,

/s/ Geoffrey J. Ritts

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Dated: October 9, 2020

/s/ Daniel R. Warren (with permission)

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically on October 9, 2020. Notice of this filing will be sent to all electronically registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Marjorie P. Duffy

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